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courts, shall be by an action of damages, instead of an appeal. It is, he says (p. 29) in essence only following the maxim of Gaius that *omnis condemnatio pecuniaria est*. Attention is called, however, (p. 63) to the fact that in 1907 Mr. Choate, speaking for the United States delegation at the Hague Conference, said that it was their firm conviction that American prize appeals should be taken from the court of first instance to the Supreme Court of the United States and a reversal sought there, before a resort to the new world court; thus evidently their having no thought of any constitutional objection to such a course.

Dr. Butte is inclined to think that there really is no force in such objection. It is mainly founded, he says (p. 71) on the Article in the Constitution which established a "Supreme" Court; and this word "Supreme" is used in the State Constitutions for their courts, though the judgments of these are confessedly subject, under certain conditions, to revision by the Supreme Court of the United States, and in some States by a higher state tribunal, like the New York Court of Appeals. Nor, he urges with much force, need any appeal from the District Court in admiralty be given at all (p. 72). An Act of Congress to repeal a former Act of Congress is therefore all that is necessary to put the United States on the same footing as any other power, with respect to the new World Court of Appeals, unless a further obstacle exists by reason of its founding its jurisdiction on a treaty and not on an Act of Congress investing it with judicial power (p. 77). As to this, the author compares the prize courts of the leading powers, and questions whether they can fairly be styled judicial tribunals (p. 89, *et seq.*). They are virtually war courts, and the time to settle their powers is before a war, particularly as concerns the United States (p. 167).

Dr. Butte began his legal education at the University of Texas, completing it at Berlin, Heidelberg and Paris. He is able, therefore, to refer to our legal precedents with an ease and effect seldom found in the works of European jurists.

*Simeon E. Baldwin.*

THE LAW OF DECEASED'S ESTATES INCLUDING WILLS. Abridgment for Students of J. G. WOERNER'S AMERICAN LAW OF ADMINISTRATION. Edited by WILLIAM F. WOERNER and F. A. WISLIZENUS. Boston: LITTLE, BROWN & Co. 1913. pp. xxxvi, 526.

Woerner's "American Law of Administration" has deservedly held a high reputation for many years, the first edition appearing in 1889, and the second in 1899. It bears evidence of much and careful study; is well written; its statements of the rules of law relating to the subject are with few exceptions accurate and well supported by authority; and the full citation of cases and of statutes contributes much to the value of the work not only for practitioners in probate courts but also for students.

One of the editors of the abridgment was a participant in the work of preparing both the first and second editions of "American Law of Administration" and was, therefore, particularly well qualified to undertake the work proposed: viz., the preparation of a volume intended for use as a text book in law schools, through the abridgment and condensation of the original work; which abridgment and condensation were to be accomplished, as stated by the editors, through the elimination from the main work of "all matter not essential from

the elementary viewpoint, and otherwise so modifying the main treatise as to make it of special adaptation to the needs of the beginner and properly to ground him in this field of the law". To so condense and abridge a work which contains no "padding", which is not diffuse in style, and which yet comprises two volumes of nearly thirteen hundred pages, as to bring the matter within the compass of a single volume of less than half that number of pages, and yet to lose nothing that is essential even "from the elementary viewpoint" is certainly no easy task; and, if one admits the necessity for such a text-book as the editors wished to prepare, there need be no hesitation in also admitting that the work has been well done.

There has been no change from the plan of the original work. The arrangement of the topics is the same; and, as a rule, only such changes in language have been made as were necessitated by reason of the omissions of sentences and paragraphs; and the condensation has been largely effected by the omission of statutory references and footnotes, and also, in great measure, of citation of authorities.

Notwithstanding the fact that the work has on the whole been well done, it is inevitable that some of the omissions tend to produce inaccuracy; the omitted portions explaining and making clear statements, which, with these portions omitted, are likely to lead to misapprehension of the true rules. Instances may be found in §29 relating to "Joint and Mutual Wills"; §53 as to revocation by marriage and birth of issue; §71, page 59, as to the decision in *Knotts v. Stearns* (1875) 91 U. S. 638, and in numerous other places in the volume.

Nevertheless, where the text-book method of instruction is employed, the present volume would in the hands of a gifted and capable teacher afford a good basis for the study of this important division of the law, and any possible misapprehension of the character referred to could be easily corrected by the instructor. In the opinion of this reviewer, the value of the work, even for the purpose for which it was designed, would have been materially enhanced by the citation of a larger number of well selected cases.

Henry S. Redfield.

#### BOOKS RECEIVED.

A TREATISE ON THE LAW OF NEGOTIABLE INSTRUMENTS. By JOHN W. DANIEL. New York: BAKER, VOORHIS & Co. Sixth edition by THOMAS H. CALVERT. 1913. Vol. I, pp. exci; 1104. Vol. II, pp. ix; 2208.

NOTES ON GOVERNMENT AND STATES' RIGHTS. By RALEIGH C. MINOR. University of Virginia: ANDERSON BROS. 1913. pp. x; 192.

A TREATISE ON THE LAW OF INCOME TAXATION. By HENRY CAMPBELL BLACK. Kansas City, Mo.: VERNON LAW BOOK Co. 1913. pp. xvi; 403.

A TREATISE ON THE FEDERAL INCOME TAX LAW OF 1913. By THOMAS GOLD FROST. Albany: MATTHEW, BENDER & Co. 1913. pp. xii; 242.